

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

RE: THE ALLOWABLE SUBJECT MATTER

The Examiner's indication of the allowability of the subject matter of claims 3, 6, 8 and 10 is respectfully acknowledged.

Claims 3 and 8 have been amended along the lines suggested by the Examiner to clarify the feature of the present invention whereby, among optical elements within the objective, the first, second and third optical elements are closest to the sample.

In addition, claim 6 has been amended along the lines suggested by the Examiner to clarify the feature of the present invention whereby the third optical element is smaller in size than both the first optical element and the second optical element.

Still further, claims 3, 6, 8 and 10 have been amended to make some minor clarifying amendments, including some minor grammatical improvements, to put them in better U.S. form.

No new matter has been added and no new issues with respect to patentability have been raised, and it is respectfully submitted that amended claims 3, 6, 8 and 10 are in fully compliance with the requirements of 35 USC 112.

Accordingly, it is respectfully requested that the amendments to claims 3, 6, 8 and 10 be approved and entered, and it is respectfully submitted that amended independent claims 3 and 8, and claims 6 and 10 depending from claim 3, are all in condition for immediate allowance.

RE: THE DRAWINGS

Fig. 3 has been amended to remove reference numeral 80, which is not mentioned in the specification.

Submitted herewith are a corrected sheet of formal drawings which incorporates the amendment and an annotated sheet showing the changes made thereto.

No new matter has been added, and it is respectfully requested that the amendment to the drawings be approved and entered.

RE: CLAIMS 1, 2, 4, 5, 7, 9 and 11

Claims 1, 2 and 7 have been amended along the lines suggested by the Examiner to clarify the feature of the present invention whereby, among optical elements within the objective, the first and second optical elements are closest to the sample.

In addition, claims 1, 2 and 7 have been amended to recite the feature of the present invention whereby a gap between the sample and the first optical element is filled with liquid having

a refractive index larger than air, as supported by the disclosure in the specification at, for example, page 6, lines 2 and 3.

Still further, claims 1, 2, 4, 5, 7, 9 and 11 have been amended to make some minor clarifying amendments, including some minor grammatical improvements, so as to put them in better form for issuance in a U.S. patent. The informalities pointed out by the Examiner have all been corrected.

No new matter has been added, and it is respectfully requested that the amendments to claims 1, 2, 4, 5, 7, 9 and 11 be approved and entered.

It is respectfully submitted, moreover, that amended claims 1, 2, 4, 5, 7, 9 and 11 are all full compliance with the requirements of 35 USC 112, and it is respectfully requested that the rejection thereunder be withdrawn.

In addition, it is respectfully submitted that neither USP 5,995,295 ("Nagaoka") nor USP 6,134,056 ("Nakamuka") discloses, teaches or suggests a lens arrangement for immersion microscopy, whereby, as recited in amended independent claims 1, 2 and 7, a gap between the sample and the first optical element is filled with liquid having a refractive index larger than air.

Accordingly, it is respectfully submitted that amended independent claims 1, 2 and 7, as well as amended claims 4, 5, 9 and 11 respectively depending therefrom, all clearly patentably

distinguish over Nagaoka and Nakamuku, taken singly or in combination, under 35 USC 102 as well as under 35 USC 103, along with allowable claims 3, 6, 8 and 10.

* * * * *

In view of the foregoing, entry of this Amendment, allowance of all of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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Application No. 10/688,382
Response to Office Action

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Amendments to the Drawings:

Fig. 3 has been amended to remove reference numeral 80,
which is not mentioned in the specification.

Attachment: Annotated Sheet Showing Changes
 Replacement Sheet



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FIG. 3

PRIOR ART

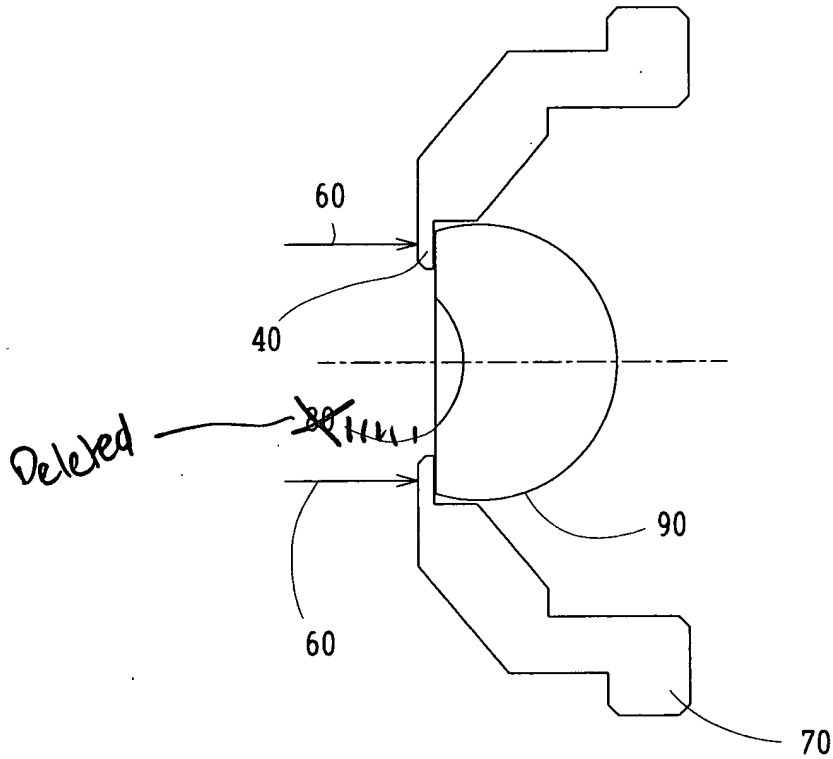


FIG. 4

PRIOR ART

